

CABINET

THURSDAY, 6 SEPTEMBER 2018

REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITIES AND PUBLIC HEALTH

ASB, CRIME AND POLICING ACT - PUBLIC SPACE PROTECTION ORDER CONSIDERATION

EXEMPT INFORMATION

PURPOSE

To consider proposals for new Public Space Protection Orders (PSPOs) at Warwickshire Moor Nature Reserve/Open space Rene Road

RECOMMENDATIONS

That Cabinet approve the progression to public consultation for the above PSPO and submission to Scrutiny Committee as per process

EXECUTIVE SUMMARY

Processes for the consideration of Public Space Protection Orders, implemented under the Anti-Social Behaviour, Crime and Policing Act 2014, were approved at Cabinet on 18 June 2015.

The following conditions must be met before making the order:

- Activities carried out in a public place within the local authority's area have a detrimental effect on the quality of life of those living in the locality **OR**
- It is likely that activities will be carried out in a public place within the area that will have such an effect

The effect, or likely effect of the activities:

- Is, or is likely to be, of a persistent or continuing nature **OR**
- Is, or is likely to be, such as to make the activities unreasonable *and* justifies the restrictions imposed by the order

As per the process agreed, each area has been considered and all evidence gathered, including police report and resident's impact statements.

PSPOs are intended to deal with a particular nuisance or problem in a specific area, be focussed on specific behaviours, and are proportionate to the detrimental effect that the behaviour is causing and is necessary to prevent it from continuing.

An evidence determination sheet has been completed and recommendations given on each area to proceed to a statutory public consultation of 28 Days in accordance with the PSPO

Guidelines.

The Tamworth Community Safety Partnership have received requests via the Police, Councillor's and members of the public for the consideration for the use of this power at the following locations:-

Warwickshire Moor

- 1) The area considered is the Nature Reserve Moor Lane, Open Space to the rear of Rene Road, Bolehall and the area known as the Monkey Bridge (Map – Appendix 1)
- 2) Under the proposed terms the following prohibitions are to be considered:
 - a) Congregating or loitering at any time where any such activity causes or is likely to cause noise, harassment, alarm or distress
 - b) Causing or permitting excessive amplified music or other noise such as to cause or be likely to cause alarm, harassment or distress as a result of a gathering
 - c) Consumption of alcohol when it is believed that any person is either committing or is likely to commit Anti-Social Behaviour in a public place and must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person
 - d) Consumption of alcohol by persons under 18 who must dispose of any vessel believed to contain alcohol, when asked to do so by an authorised person at all times
 - e) Barbeques, fires and littering
 - f) Camping
 - g) Smoking, using or selling ANY substance likely to cause intoxication or odour nuisance to members of the public

Persons gathering for legitimate social purposes, charitable or other events where there is no intention to cause or permit anti-social behaviour is permitted at all times subject to compliance with all conditions at paragraph 2 above.

- 3) An authorised person can also require any person:
 - a) To not consume alcohol or anything the authorised person reasonably believes to be alcohol, in sealed or unsealed vessels.
 - b) To surrender anything in the person's possession which is, or the authorised person reasonably believes to be, alcohol or likely to be used as a container for alcohol

Lead agency: Tamworth Borough Council/Staffordshire Police

Evidence

Police have evidence of ongoing ASB and nuisance to the public in and around the Warwickshire moor

Recommendation

That a PSPO is considered for the area considered and that 28 day further public consultation period is commenced as per the process.

Draft PSPO attached as Appendix 3 with a recommendation that the order remains in force for 3 years. This will allow for monitoring and review by the Tamworth Community Safety Partnership. A PSPO can be reviewed and amended at any time on a case by case basis.

The order will allow the Police and Council delegated officers to move offenders along and/or issue Fixed Penalty Notices. Any signage will clearly indicate the requirement and the public consultation will gauge support for this.

The wider issues in the park to be considered as per the larger project for public space in Tamworth.

The results of further consultation and move to implementation will be discussed at Healthier and Safer Scrutiny Committee in October 2018 for sign off by the Portfolio Holder and public notice commenced as per the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014.

The earliest implementation date is 1st November 2018, after which time any person wishing to challenge has six weeks to appeal to the High Court.

OPTIONS CONSIDERED

All options and evidence has been considered as per Appendix 2 and proposals contained within the executive summary.

RESOURCE IMPLICATIONS

The use of Public Open Space Protection Orders requires enforcement resource and can be enforced by Community Wardens, Police officers and other Council officers as designated by Tamworth Borough Council.

Any PSPOs put in place require appropriate signage and advertising as per the The Anti-social Behaviour Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 to be met from existing Partnership revenue budgets. There is no requirement for public notice in the local newspaper.

The PSPO can be enforced by the Police and Community Wardens (when patrolling) and will be monitored over the next three years. Signage will provide options for the public to call to report breaches, but the order will not have immediate call out.

All residents will be informed of the decision of the Council by letter/email.

All other recommendations will be subject to continued review by the Tamworth Community Safety Partnership as issues present.

LEGAL/RISK IMPLICATIONS BACKGROUND

All legal risks covered by legislation and agreed process

SUSTAINABILITY IMPLICATIONS

BACKGROUND INFORMATION

A Public Space Protection Orders (PSPO) is a measure to stop individuals or groups committing ASB in public places. The local authority will identify the area that is to be covered by the order – known as the ‘restricted area’.

The PSPO can:

- Prohibit specified things being done in the area
- Require specified things to be done in the area

The prohibitions or requirements can be framed so that they:

- Apply to all persons, or only persons in specified categories, or to all persons except those in specified categories
- Apply at all times, or only at specified times, or at all times except those specified
- Apply in all circumstances, or only in specified circumstances, or in all circumstances except those specified

The process is outlined in the Cabinet report of 18 June 2015.

If after consideration, areas are to be subject to a PSPO, Cabinet is to agree a statutory 28 day consultation (as outlined under the PSPO Guidelines 2014), the results of which will be discussed at Scrutiny for sign off and implementation.

REPORT AUTHOR

Jo Sands, Assistant Director of Partnerships

LIST OF BACKGROUND PAPERS

Cabinet Report 18 June 2015

Anti-Social Behaviour, Crime and Policing Act 2014